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DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

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2200 WELLS FARGO CENTER
MINNEAPOLIS MN 55402

In re Application of
Heidi Picher-Dempsey
Application No. 08/990,096
Filed: December 12, 1997
For: **SECURE NETWORK ARCHITECTURE WITH
QUALITY OF SERVICE**

This is a decision on the Petition for Withdrawal of Abandonment, filed August 24, 2005, requesting the holding of abandonment be withdrawn in the above-identified application.

This application was held abandoned for failure to timely respond with appellant's submission of a brief within the two months time frame set forth in the petition decision mailed March 12, 2002. A Notice of Abandonment had not been mailed.

Petitioner states that a response, specifically their appeal brief, was in fact timely filed. To support this assertion, petitioner has submitted a date-stamped copy of a return postcard which acknowledges receipt by the Patent and Trademark Office Board of Patent Appeals and Interferences of an appeal brief in triplicate along with a filing fee of \$320.00, on May 31, 2002.

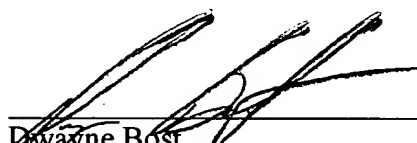
M.P.E.P. § 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

The response is considered timely filed since the post card receipt bears a date of May 31, 2002, more than two months from the mailing of the petition decision, where the response includes a certificate of mailing certifying deposit on Monday, May 13, 2002. Accordingly, the copy of the response is accepted.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file will be forwarded to the Technology Center's technical support staff for entry of the copy of the appeal brief submitted with the subject petition. The original check for \$320.00 for filing appellant's brief cannot be located. Accordingly, the fee (\$320.00) will be charged to applicant's Deposit Account No. 06-0029 as set forth in the petition. From there, the file will be forwarded to the examiner for appropriate action in due course.


Dwayne Bost
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Communications